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PATENT APPLICATION
08/920,433

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kathryn A. Rosenthal

Serial No.: 08/920,433

Filing Date: August 29, 1997

Group Art Unit: 2123

Examiner: William Thompson

Title: METHOD AND SYSTEM OF PROVIDING ACCESS
PRIVILEGES TO RECORDS OF MEMBERS OF A
COMMUNITY

BOARD OF APPEALS AND INTERFERENCES

Honorable Commissioner of

   Patents and Trademarks

Washington, DC 20231

Dear Sir:

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Willie Jiles
_____
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES

In re Application of:	Kathryn A. Howard
Serial No.:	08/920,433
Filing Date:	August 29, 1997
Group Art Unit:	2123
Examiner:	William Thompson
Title:	METHOD AND SYSTEM OF PROVIDING ACCESS PRIVILEGES TO RECORDS OF MEMBERS OF A COMMUNITY

Honorable Assistant Commissioner

     for Patents.

BOARD OF APPEALS AND INTERFERENCES

Washington, D.C.   20231

Dear Sir:

APPEAL BRIEF

Appellant has appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed February 27, 2002, rejecting Claims 1-7 and 9-21. Appellant filed a Notice of Appeal on May 24, 2002. Appellant respectfully submits this brief on appeal, in triplicate, with a statutory fee of $320.00.

REAL PARTY IN INTEREST

This application is currently owned by Electronic Data Systems Corporation as indicated by an assignment recorded on August 29, 1997 in the Assignment Records of the United States Patent and Trademark Office at Reel 8785, Frames 0034-0036.

RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

STATUS OF CLAIMS

Claims 1-7 and 9-21 stand rejected under 35 U.S.C. §§ 102(b),(e) pursuant to an Office Action mailed February 27, 2002. Claims 1-7 and 9-21 are all presented for appeal. All pending claims are shown in Appendix A. The claims stand rejected under eight different references. U.S. Patent No. 5,276,901 by Howell et al. ("*Howell*") is shown in Appendix B. U.S. Patent No. 5,446,903 by Abraham et al. ("*Abraham*") is shown in Appendix C. Baldwin, "Naming and Grouping Privileges to Simplify Security Management in Large Databases" ("*Baldwin*") is shown in Appendix D. Demurjian, "Towards an Authorization Mechanism for User-Role Based Security in an Object-Oriented Design Model" ("*Demurjian*") is shown in Appendix E. U.S. Patent No. 6,088,679 by Barkley ("*Barkley*") is shown in Appendix F. Rabitti, "A Model of Authorization for Next-Generation Database Systems" ("*Rabitti*") is shown in Appendix G. U.S. Patent No. 5,911,143 by Deinhart et al. ("*Deinhart*") is shown in Appendix H. "Proceedings: First ACM Workshop on Role-Based Access Control" ("*Workshop*") is shown in Appendix I.

STATUS OF AMENDMENTS

All amendments submitted by Appellant were entered by the Examiner before the issuance of the Office Action mailed February 27, 2002.

SUMMARY OF INVENTION

According to one embodiment, a system 10 includes a server system 12 connected to client systems 14 by a network 16. (*Page 7, Lines 3-5*). Server system 12 may include an application 32. (*Page 8, Lines 3-6*). Application 32 may receive and process assignments

involving members of a community. (*Page 8, Lines 13-15*). As an example, the members could represent employees, and the community could represent a corporation. (*Page 3, Lines 3-5*). The assignments may include an assignment of a member to an identifiable position in the community or an assignment between two positions in the community. (*Page 8, Lines 15-18*).

Application 32 may also authorize user access to records of the members. (*Page 8, Lines 22-23*). To provide access to a user, application 32 may generate a list of authorized functions 34. (*Page 11, Lines 27-29*). The authorized functions 34 represent functions that a user is allowed to perform in the system 10. (*Page 11, Lines 21-23*). Application 32 may also generate a list of authorized objects 36. (*Page 12, Lines 16-19*). The authorized objects 36 may identify members of the community related to the user such that the user is authorized to access records of those members. (*Page 12, Lines 4-7*). Using this information, application 32 determines whether the user is allowed to access a member's records. (*Page 28, Line 27 - Page 30, Line 17*).

STATEMENT OF ISSUES

1. Has the Examiner satisfied the requirements of 35 U.S.C. § 132 and 37 C.F.R. § 1.104 regarding the rejections of Claims 1-7 and 9-21?

2. Are Claims 1-7 and 9-21 anticipated by the eight cited references under 35 U.S.C. §§ 102(b),(e)?

GROUPING OF CLAIMS

Pursuant to 37 C.F.R. § 1.192(c)(7), Appellant requests that the following claims be grouped together for purposes of this appeal:

1. Group 1: Claims 1-6, 16, 17

Claims 1-6, 16, and 17 may be deemed to stand or fall together for purposes of this appeal. Claims 2-6 depend from independent Claim 1. Claims 16 and 17 are independent claims.

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2.   Group 2: Claims 7, 9-12, 18, 19

Claims 7, 9-12, 18, and 19 may be deemed to stand or fall together for purposes of this appeal. Claims 9-12 depend from independent Claim 7. Claims 18 and 19 are independent claims.

3.   Group 3: Claims 13-15

Claims 13-15 may be deemed to stand or fall together for purposes of this appeal. Claims 14 and 15 depend from independent Claim 13.

4.   Group 4: Claims 20, 21

Claims 20 and 21 may be deemed to stand or fall together for purposes of this appeal. Claims 20 and 21 are independent claims.

Appellant submits that the explanations provided in the Argument section do not merely point out differences between the claims but present arguments as to the separate patentability of each claim as required by 37 C.F.R. § 1.192(c)(7) and M.P.E.P. § 1206.

ARGUMENT

I.   ISSUE 1

A.   OVERVIEW

The Examiner expressly refuses to explain how each reference teaches or suggests each and every element of the rejected claims. Instead, the Examiner cites large portions of each reference, without explaining how or why those portions are relevant to the claims. Appellant also previously argued that the references fail to teach or suggest specific elements of the claims. In response, the Examiner rejected Appellant's arguments, again without citing any specific portions of the references.

The Examiner has not provided sufficient information to allow Appellant or this Board to determine the validity of the Examiner's rejections. In particular, Appellant and this Board are forced to speculate about how the cited references are relevant to each element of the claims. As a result, the Examiner has failed to comply with 35 U.S.C. § 132 and 37 C.F.R. § 1.104(c)(2).

B. STANDARD

When rejecting a claim, an Examiner must:

> notify the applicant thereof, stating the reasons for such rejection ... together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application.

(*35 U.S.C. § 132(a)*).

Not only that, the Examiner must also:

> cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the <u>particular part</u> relied on must be designated <u>as nearly as practicable</u>.

(*37 C.F.R. § 1.104(c)(2)*) (emphasis added).

In addition, the courts have refused to "substitute speculation as to [a] rejection for the greater certainty which should come from the Patent Office." (*Application of Herrick, 344 F.2d 713, 716 (CCPA 1965)*). In *Herrick*, the Examiner issued multiple rejections without any explanation of the relevance of the cited references. (*Id. at 715-16*). The court stated that, to the extent the cited references were not cumulative, the "rejection can be made specific as to particular references." (*Id. at 716*).

Similarly, this Board has held that an Examiner procedurally fails to properly state a rejection by "setting forth such a broad-brush statement and by failing to explain with a reasonable degree of specificity any one rejection." (*Ex parte Blanc, 13 U.S.P.Q.2d 1383, 1384 (Bd. Pat. App. & Intf. 1989)*). In that case, the Examiner issued 40 separate rejections for each claim, without any explanation of how or why the cited references were relevant. (*Id.*).

C. EXAMINER USED WRONG STANDARD

The Examiner appears to argue for two different standards in the latest Office Action. Regarding the first standard, the Examiner states that the claims are "clearly anticipated" by the cited references. (*2/27/02 Office Action, Page 13, Second paragraph*). According to the

Examiner, because Appellant is assumed to be one of ordinary skill in the art and the claims are "clearly anticipated," the Examiner has no duty to provide any additional explanation of the rejections. (*2/27/02 Office Action, Page 13, Second paragraph*).

Appellant notes that 37 C.F.R. § 1.104(c)(2) makes no distinction between references that "clearly anticipate" a claim and references that merely "anticipate" a claim. The Examiner cannot be relieved of the duty to cite references with specificity simply by saying that a reference "clearly anticipates" a claim. Appellant is unaware of any basis, either in statutory or case law or in the Manual of Patent Examining Procedure, that supports the first standard used by the Examiner.

Regarding the second standard, the Examiner acknowledges that when "a reference is *complex* or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable." (*2/27/02 Office Action, Page 12, First paragraph*). However, the Examiner then states that the "Examiner does not believe this application raises to the level of 'complex' especially knowing the Assignee's relative level of experience in the field of computer access models." (*2/27/02 Office Action, Page 12, First paragraph*).

The Examiner improperly focuses on the complexity of Appellant's application and the Assignee's relative level of experience. Appellant notes that 37 C.F.R. § 1.104(c)(2) refers to the complexity of the cited "reference," not the complexity of the application being examined. The Examiner's statement that Appellant's "application" is not complex fails to relieve the Examiner of the duty to cite references with specificity. Also, Appellant notes that 37 C.F.R. § 1.104(c)(2) makes no mention of the "Assignee's relative level of experience" in a particular field. The Examiner's reliance on the Assignee's asserted "level of experience" also fails to relieve the Examiner of the duty to cite references with specificity. Appellant is unaware of any basis that supports the second standard used by the Examiner.

D.   SPECIFICITY IS REQUIRED UNDER PROPER STANDARD

In general, the cited references describe various techniques for granting access privileges

in computer systems. These references do not fall within the realm of "non-complex" references. For example, *Rabitti* contains complex representations of access authorization concepts. Also, these references describe inventions other than Appellant's claimed invention. For example, *Abraham* describes granting different access privileges to users based on the current status (design stage, production stage, etc.) of an industrial process. As a result, under 37 C.F.R. § 1.104(c)(2), the Examiner is required to designate each part of each reference relied upon "as nearly as practicable."

E.   *WORKSHOP* REJECTION IMPROPER ON ITS FACE

The Examiner rejected Claims 1-7 and 9-21 under 35 U.S.C. § 102(b), as being anticipated by *Workshop*. However, the Examiner never stated which portions of *Workshop* are relied upon in making the rejection. This is the equivalent of the Examiner saying "The claims are rejected over *Workshop*." The Examiner makes no cogent attempt to read *Workshop* onto the claims, nor can Appellant and this Board determine the basis for the rejection. The Examiner failed to follow 35 U.S.C. § 132(a) and 37 C.F.R. § 1.104(c)(2) in making this rejection. As a result, the rejection of Claims 1-7 and 9-21 over *Workshop* is improper.

F.   OTHER REJECTIONS LACK SPECIFICITY

The Examiner also rejected Claims 1-7 and 9-21 under 35 U.S.C. §§ 102(b),(e) as being anticipated by seven other references. In making these rejections, the Examiner cites large portions of each reference, without drawing any correlation between particular teachings in the references and particular elements of Appellant's claims. For example, the Examiner cites the title, abstract, introduction, all three figures, and most of the remaining portions of *Demurjian*. (*2/27/02 Office Action, Page 18, Last paragraph*). The only portions of *Demurjian* not cited by the Examiner are an eight-line review of background concepts (Section 2) and a half-column description of a figure that the Examiner did cite in the rejection (Section 2.2). The Examiner makes no attempt to describe how the cited portions relate to each element of the claims.

The Examiner has not complied with the requirements of 37 C.F.R. § 1.104(c)(2) because the Examiner failed to specify the portions of each reference relied upon "as nearly as practicable." Taking Claim 1 as an example, Appellant and this Board cannot determine which

portion of *Demurjian* is relied upon as teaching "storing an assignment of a member of a community to a first position in the community to generate a first relationship." Appellant and this Board also cannot determine which portion of *Demurjian* is relied upon as teaching "automatically providing a manager of the first position with access privileges to records of the member based on the first relationship." Appellant and this Board face similar difficulties in dealing with the remaining elements of Claim 1.

The Examiner asserts that the claims are "clearly anticipated" by these references. It should therefore have been a relatively easy task for the Examiner to specify which portions of the references teach each specific element of the claims. Because the Examiner merely cites large portions of each reference without specifying how each element is taught, the Examiner has failed to identify the particular portions of the references relied upon "as nearly as practicable." Appellant has repeatedly asked the Examiner to perform this analysis since February 2001, but the Examiner has consistently refused to do so by relying on improper standards as justification.

Not only that, the Examiner actually places the burden of deducing how the references are relevant on the Appellant. For example, the Examiner stated that "[o]n the face and with a minimal amount of diligence, Appellant's representative should have been able to ascertain the relevance of each and every reference." (*2/27/02 Office Action, Page 13, Third paragraph*). This places the burden on the Appellant to determine how the references are relevant, rather than placing the burden on the Examiner to prove that the references teach each and every element of the claims.

Beyond that, Appellant has previously pointed out that the cited references fail to teach or suggest particular elements of the claims. For example, in response to the November 27, 2000 Office Action, Appellant pointed out that *Howell* and *Abraham* fail to teach or suggest storing "an assignment of a member ... to a first position" and storing "an additional assignment of the member to a second position" as recited in Claims 1, 16, and 17. (*2/27/01 Response, Page 14, Third paragraph*). The Examiner's response in the next Office Action included a statement that "the prior art expressly teaches" this feature. (*5/23/01 Office Action, Page 9, First paragraph*). However, the Examiner cites no support for this assertion in either the "prior art" or in the

specific cited references.

In effect, the Examiner stated that the cited references anticipate the claims, but that the Examiner has no duty to show how they anticipate the claims or even to respond to Appellant's arguments with specificity. The Examiner makes no cogent attempt to read any of the references onto the claims. Appellant and this Board cannot determine the basis for the rejections and instead must speculate about how the cited references teach or suggest each and every element of all twenty pending claims. This also improperly places the burden on Appellant to basically prove that the cited references do not teach each element of the claims, rather than properly placing the burden on the Examiner to prove that the references do teach all of the claim elements. As a result, the Examiner has failed to provide "such information and references as may be useful in judging of the propriety of continuing the prosecution of his application" as required by 35 U.S.C. § 132(a). The Examiner has also failed to designate "the particular part relied on ... as nearly as practicable" as required by 37 C.F.R. § 1.104(c)(2). Because of this, the rejection of Claims 1-7 and 9-21 over the seven other cited references is improper.

II. ISSUE 2

A. OVERVIEW

Claims 1-7 and 9-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Rabitti, Baldwin, Demurjian, Abraham, Howell,* or *Workshop* and under 35 U.S.C. § 102(e) as being anticipated by *Deinhart* or *Barkley*.

None of the cited references teach or suggest all elements of Claims 1-7 and 9-21. Also, the Examiner improperly characterizes Appellant's claims and then rejects the claims based on that characterization. In doing so, the Examiner ignores elements of Appellant's claims when rejecting the claims over the cited references.

B. STANDARD

Under 35 U.S.C. § 102, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (*M.P.E.P. § 2131*). In addition, "[t]he identical invention must be shown in as

complete detail as is contained in the . . . claims" and "[t]he elements <u>must</u> be arranged as required by the claim." (*M.P.E.P. § 2131*) (emphasis added).

C.   *HOWELL* AND *ABRAHAM*

Howell and *Abraham* disclose systems that combine users of a database into groups of users. Access to an object in the database may then be granted to individual users and to groups of users.

In particular, *Howell* discloses a system for controlling access by groups of users to an object. (*Abstract*). In the system of *Howell*, an "access list" is associated with an object, and it identifies which users or groups are allowed to access that object. (*Col. 2, Lines 33-42*). An "access folder" is associated with a user or a group, and it defines the privileges that the user or group has with respect to an object. (*Col. 5, Lines 23-30; Col. 7, Lines 32-50*). A user of the system may gain access to an object in two ways. First, if the user is explicitly listed in an object's access list, the user can access the object. (*Col. 2, Lines 42-48*). Second, the user may belong to a group that is allowed to access an object. The system determines if a group is listed in the object's access list, and if so the system determines whether that group's access folder is listed in the user's access folder. (*Col. 7, Lines 58-68*).

Abraham teaches a system for maintaining security based on the current status of an industrial process. (*Abstract*). An industrial process typically includes a series of processing steps. (*Col. 1, Lines 16-18*). *Abraham* protects data elements in the system by combining users into groups. (*Col. 3, Lines 1-10*). *Abraham* then allows predetermined groups of users to access data elements in the system based on the processing step currently active in the industrial process. (*Col. 3, Lines 1-10*). If the industrial process is not at a particular processing step, a group of users may be prevented from accessing data elements in the system. (*Col. 3, Lines 11-15*).

D.   *BALDWIN, DEMURJIAN, BARKLEY, RABITTI, DEINHART,* AND *WORKSHOP*

Baldwin, Demurjian, Barkley, Rabitti, Deinhart, and *Workshop* disclose systems that combine database privileges into groups of privileges. The access privileges may be grouped

according to user roles or job positions. Access to objects may then be granted to a user by assigning the group of privileges to the user.

In particular, *Baldwin* teaches a system that uses named protection domains ("NPDs"), which are groups of privileges. (*Page 116, Abstract*). An "object privilege" defines an individual user's ability to perform a specified operation on a particular object, and object privileges can be grouped together to form an NPD. (*Page 118, Left column, Second paragraph; Page 119, Left column, Fifth paragraph*). As one example, *Baldwin* teaches using role based security, which groups privileges together and forms an NPD according to the job that a user performs. (*Page 120, Left column, Fourth paragraph*). For a user to receive privileges to perform operations in a database system, the system grants an NPD to a user. (*Page 118, Left column, Second paragraph*).

Demurjian teaches a database system that uses role based security. (*Page 195, Abstract*). *Demurjian* defines three levels of user responsibilities in the system. A "user role" represents a particular privilege assigned to a particular role or position. (*Page 197, Left column, Third paragraph*). A "user type" represents a privilege that is common to multiple user roles, and a privilege assigned to a user type is passed to each user role. (*Page 197, Left column, Third paragraph*). A "user class" represents a privilege that is common to multiple user types, and a privilege assigned to a user class is passed to each user type and user role in the class. (*Page 197, Left column, Third paragraph*).

Barkley teaches a workflow management system that incorporates role-based access control capabilities. (*Abstract*). A "workflow" represents a business process in which documents, information, or tasks are passed between participants. (*Col. 5, Lines 46-49*). A user in the system of *Barkley* is assigned a "role," which represents a function within an organization. (*Col. 3, Lines 60-61; Col. 5, Lines 23-27*). The role is also associated with permission to access a resource in the system. (*Col. 3, Lines 58-59*). To provide database security during a workflow, the system of *Barkley* activates the roles for the user at appropriate times during the workflow. (*Col. 4, Lines 17-22*).

Rabitti teaches a model of "authorization for next-generation database systems." (*Page 90, First paragraph*). In particular, *Rabitti* focuses on ways of incorporating "implicit authorizations" into a database. (*Page 92, Third paragraph*). Implicit authorizations involve inferring authorization to perform one function based on one or more authorizations to perform other functions. (*Page 92, First paragraph*). As an example, *Rabitti* states that a user who can write information to an object should be able to read the object, so the ability to read the object is an implicit authorization. (*Page 92, Third paragraph*). *Rabitti* allows for the use of role based security in the next-generation database system, where each role corresponds to a set of access authorizations. (*See, e.g., Page 103, Section 3.1*). A parent role includes or incorporates all of the authorizations granted to the children roles of the parent. (*Page 103, Section 3.1*).

Deinhart teaches a role based security system for a database. (*Abstract*). A user in the system of *Deinhart* may hold a position that is "associated with a set of functional tasks," where each functional task requires access to objects in the system. (*Col. 7, Lines 19-21*). The system of *Deinhart* uses the position of the user to associate the user "with specific access rights to a set of objects" in the system. (*Col. 7, Lines 22-26*). To provide database security, *Deinhart* associates a set of access rights with a position using "role types" and "role instances." (*Col. 7, Lines 26-29*). A role type acts as a template and defines the "types of access rights, objects, and transactions necessary to carry out a set of functional tasks." (*Col. 3, Lines 56-59*). A role instance is derived from a role type, and it defines a set of concrete and specific access rights, objects, and transactions. (*Col. 3, Lines 60-62; Col. 7, Lines 6-8*). *Deinhart* also teaches the use of parent and child roles, where a parent role may incorporate the access rights granted to the children roles. (*Col. 9, Lines 3-12*).

Workshop describes a role based access system. (*Page I-1, First paragraph*). Access privileges are grouped into different roles. (*Page I-1, Third paragraph*). Roles may reflect the different activities, functions, and responsibilities that are performed in an organization. (*Page I-15, First paragraph*). A user acquires access privileges by being assigned to a role. (*Page I-3, Fourth paragraph*).

E. CLAIMS 1-6, 16, AND 17 (GROUP 1)

Claims 1-6, 16, and 17 (Group 1) stand rejected under 35 U.S.C. §§ 102(b),(e) as being anticipated by *Abraham*, *Howell*, *Baldwin*, *Demurjian*, *Barkley*, *Rabitti*, *Deinhart*, and *Workshop*.

Claim 1 recites a method of providing access privileges to records of members of a community, which includes:

> storing an assignment of a member of a community to a first position in the community to generate a first relationship;
> automatically providing a manager of the first position with access privileges to records of the member based on the first relationship;
> storing an additional assignment of the member to a second position in the community to generate a second relationship; and
> during pendency of the additional assignment, automatically providing a manager of the second position with disparate access privileges to records of the member based on the second relationship.

None of the cited references teach or suggest Claim 1.

Regarding *Howell* and *Abraham*, both references allow a system to combine users into a group. The references contain no mention of storing "an assignment of a member of a community to a first position" and "an additional assignment of the member to a second position." The Examiner has provided no explanation of how combining users into groups in *Howell* and *Abraham* corresponds to assigning a member to a "first position in the community" and a "second position in the community" as recited by Claim 1.

Also, the systems of *Howell* and *Abraham* grant access privileges to a user when <u>that</u> user is assigned to a group. *Howell* and *Abraham* contain no mention of assigning one user to a position and providing access privileges to <u>another</u> user based on the assignment. As a result, the Examiner has failed to show that *Howell* and *Abraham* teach or suggest storing assignments involving a member and providing "a manager of the first position with access privileges" and "a manager of the second position with disparate access privileges" as recited by Claim 1.

Regarding *Baldwin, Demurjian, Barkley, Rabitti, Deinhart*, and *Workshop*, these references allow a system to combine access privileges together into a group. The group of privileges is then assigned to a user. All of these references grant access privileges to a particular user when a group of privileges is assigned to <u>that</u> user. These references contain no mention of assigning a group of privileges to one user and then automatically providing access privileges to <u>another</u> user based on that assignment. As a result, the Examiner has failed to show that *Baldwin, Demurjian, Barkley, Rabitti, Deinhart*, and *Workshop* teach or suggest storing assignments of a member to first and second positions and providing "a manager of the first position with access privileges" and "a manager of the second position with disparate access privileges" as recited in Claim 1.

As described above concerning Issue 1, the Examiner has never provided an explanation as to how each element of Claim 1 is taught by the cited references. Instead of focusing on the elements actually recited in Appellant's claims, the Examiner goes out of the way to characterize the claims and then say that the characterizations are old and well known in the art. For example, the Examiner states that Claim 1 recites "nothing more than associating which data files a specific user has access privileges to, allowing the relationship to be reassigned and providing different levels of access to different data based on the associations between users and data." (*2/27/02 Office Action, Page 14, Last paragraph*). The Examiner also states that the "Examiner believes that Applicant has attempted to cover 'user-role' or 'role-based' access control for a distributed system." (*2/27/02 Office Action, Page 15, Second paragraph*). According to the Examiner, both are well known in the art. First, these characterizations are irrelevant in analyzing the patentability of the claims. Second, these characterizations ignore the actual elements recited in Appellant's claims.

The Examiner also relies on Appellant's alleged "admittance that the prior art clearly teaches the claimed invention." (*2/27/02 Office Action, Page 8, First paragraph*). Appellant made no such admission. Appellant merely pointed out that, in regards to an enablement rejection that has been withdrawn, the Examiner claimed numerous articles and patents exist that "relate to the instant invention." (*11/13/01 RCE, Page 5, Last paragraph*) (*citing 5/23/01 Office Action, Page 11, Last paragraph*). Appellant explained that, if true, this would support a finding

of enablement. (*11/13/01 RCE, Page 5, Last paragraph - Page 6, Second paragraph*). Appellant never admitted that the "the prior art clearly teaches the claimed invention." The fact that the Examiner never cites the location of this alleged admission underscores the fact that the admission never occurred.

For at least these reasons, *Abraham, Howell, Baldwin, Demurjian, Barkley, Rabitti, Deinhart*, and *Workshop* all fail to teach or suggest each and every element of Claim 1. As a result, Claim 1 is patentable over the cited references. At a minimum, Claims 2-6 are also patentable over the cited references due to their dependence from an allowable claim. In addition, Claims 16 and 17 are patentable over the cited references for similar reasons. Appellant therefore respectfully requests that the Board reverse the Examiner's rejection of Claims 1-6, 16, and 17 for anticipation under § 102.

F.   CLAIMS 7, 9-12, 18, AND 19 (GROUP 2)

Claims 7, 9-12, 18, and 19 (Group 2) stand rejected under 35 U.S.C. §§ 102(b),(e) as being anticipated by *Abraham, Howell, Baldwin, Demurjian, Barkley, Rabitti, Deinhart*, and *Workshop*.

Claim 7 recites a method of providing access privileges to records of members of a community, which includes:

> storing a first assignment of a first member of a community to a first manager position in the community;
> storing a second assignment of a second member of the community to a second manager position in the community;
> storing a third assignment of the first manager position to the second manager position to generate a relationship; and
> automatically providing the first member with at least a portion of the access privileges of the second member based on the relationship, the access privileges of the second member comprising access privileges to records of members of the community reporting to the second manager position.

None of the cited references teach or suggest Claim 7.

Regarding *Howell* and *Abraham*, both references allow a system to combine users into a group. Neither reference teaches or suggests "storing a first assignment of a first member of a community to a first manager position" and "storing a second assignment of a second member of the community to a second manager position." The Examiner has provided no explanation of how combining users into groups in *Howell* and *Abraham* corresponds to assigning members to a "first manager position in the community" and a "second manager position in the community" as recited by Claim 7. Also, the references fail to teach or suggest storing an assignment involving two different positions in the community. The Examiner has failed to show that the references teach or suggest "storing a third assignment of the first manager position to the second manager position to generate a relationship" as recited by Claim 7.

In addition, the systems of *Howell* and *Abraham* grant access privileges to a user when that user is assigned to a group. The references contain no mention of providing to one user the access privileges of another user based on a relationship between two positions. The Examiner has also failed to show that the references provide access privileges to records of members that report to a manager position. As a result, the Examiner has failed to show that *Howell* and *Abraham* teach or suggest "providing the first member with at least a portion of the access privileges of the second member based on the relationship, the access privileges of the second member comprising access privileges to records of members of the community reporting to the second manager position" as recited by Claim 7.

Regarding *Baldwin*, *Demurjian*, *Barkley*, *Rabitti*, *Deinhart*, and *Workshop*, these references allow a system to combine access privileges together into a group. These references grant access privileges to a particular user when a group of privileges is assigned to that user. They lack any mention of granting to one user the access privileges of another user or granting access privileges to records of members that report to a manager position. As a result, the Examiner has failed to show that these references teach or suggest "providing the first member with at least a portion of the access privileges of the second member based on the relationship, the access privileges of the second member comprising access privileges to records of members of the community reporting to the second manager position" as recited in Claim 7.

For at least these reasons, *Abraham*, *Howell*, *Baldwin*, *Demurjian*, *Barkley*, *Rabitti*, *Deinhart*, and *Workshop* all fail to teach or suggest each and every element of Claim 7. As a result, Claim 7 is patentable over the cited references. At a minimum, Claims 9-12 are also patentable over the cited references due to their dependence from an allowable claim. In addition, Claims 18 and 19 are patentable over the cited references for similar reasons. Appellant therefore respectfully requests that the Board reverse the Examiner's rejection of Claims 7, 9-12, 18, and 19 for anticipation under § 102.

G.   CLAIMS 13-15 (GROUP 3)

Claims 13-15 (Group 3) stand rejected under 35 U.S.C. §§ 102(b),(e) as being anticipated by *Abraham*, *Howell*, *Baldwin*, *Demurjian*, *Barkley*, *Rabitti*, *Deinhart*, and *Workshop*.

Claim 13 recites a system for providing access privileges to records of members within a community, which includes:

> a memory operable to store:
>> a plurality of allowed types of assignments of members of a community to positions in the community; and
>> a record of assignments of members of the community to positions in the community; and
>> a processor operable to automatically provide a first member and second member with disparate access privileges to records of a third member based on at least two of the recorded assignments in the memory, at least two of the recorded assignments involving different allowed types of assignments.

None of the cited references teach or suggest Claim 13.

Regarding *Howell* and *Abraham*, both references allow a system to combine users into a group. Neither reference mentions allowing different types of assignments involving positions in a community. As a result, the Examiner has failed to show that the references teach or suggest using different "types of assignments" for assigning "members of a community to positions in the community" as recited by Claim 13. Also, neither reference mentions using different types of assignments to provide disparate access privileges. Because of that, the Examiner has failed to show that the references teach or suggest providing "disparate access privileges" to two

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different members based on at least two "different allowed types of assignments" as recited by Claim 13.

Regarding *Baldwin, Demurjian, Barkley, Rabitti, Deinhart*, and *Workshop*, these references allow a system to combine access privileges together into a group and to assign the group of privileges to a user. None of the references mention allowing different types of assignments. As a result, the Examiner has failed to show that the references teach or suggest using different "types of assignments" for assigning "members of a community to positions in the community" as recited by Claim 13. Also, none of the references mention using different types of assignments to provide disparate access privileges. Because of that, the Examiner has failed to show that the references teach or suggest providing "disparate access privileges" to different members based on at least two "different allowed types of assignments" as recited by Claim 13.

For at least these reasons, *Abraham, Howell, Baldwin, Demurjian, Barkley, Rabitti, Deinhart*, and *Workshop* all fail to teach or suggest each and every element of Claim 13. As a result, Claim 13 is patentable over the cited references. At a minimum, Claims 14 and 15 are also patentable over the cited references due to their dependence from an allowable claim. Appellant therefore respectfully requests that the Board reverse the Examiner's rejection of Claims 13-15 for anticipation under § 102.

H.   CLAIMS 20 AND 21 (GROUP 4)

Claims 20 and 21 (Group 4) stand rejected under 35 U.S.C. §§ 102(b),(e) as being anticipated by *Abraham, Howell, Baldwin, Demurjian, Barkley, Rabitti, Deinhart*, and *Workshop*.

The Examiner only mentions that Claims 20 and 21 are rejected under § 102. The Examiner never actually discusses the rejection of Claims 20 and 21. On its face, it is improper to say "Claim 20 is rejected under § 102."

The Examiner cites the exact same portions of the references to reject each of the previous eighteen claims. Appellant assumes that the Examiner would cite the same portions of

the references to reject Claims 20 and 21.

Claims 20 and 21 are patentable for the reasons discussed above with respect to Group 1 and Group 2, respectively.

In addition, Claims 20 and 21 are patentable in light of their own recitations. For example, Claim 20 recites "generating a list of at least one authorized function associated with a manager of the first position" and "generating a list of at least one authorized object associated with the manager of the first position." The at least one authorized object represents "at least one member of the community related to the manager of the first position such that the manager of the first position may access records associated with the at least one member."

Similarly, Claim 21 recites "generating a list of at least one authorized function associated with the second member" and "generating a list of at least one authorized object associated with the second member." The at least one authorized object represents "at least one member of the community related to the second member such that the second member may access records associated with the at least one member."

The Examiner has not indicated how these elements are taught by the cited references. As a result, the Examiner has failed to show that Claims 20 and 21 are anticipated by the cited references. For at least these reasons, Appellant respectfully requests that the Board reverse the Examiner's rejection of Claims 20 and 21 for anticipation under § 102.
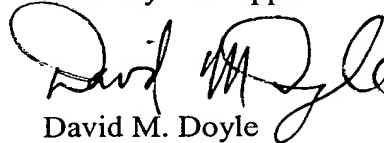
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CONCLUSION

Appellant has demonstrated that the present invention as claimed is clearly distinguishable over the prior art cited of record. Therefore, Appellant respectfully requests the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

The Commissioner is hereby authorized to charge the $320.00 fee for this Appeal Brief to Deposit Account No. 05-0765 of Electronic Data Systems Corporation. The Commissioner is also hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 05-0765 of Electronic Data Systems Corporation.

Respectfully submitted,

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Attorneys for Appellant

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APPENDIX A

1.   A method of providing access privileges to records of members of a community, comprising:

storing an assignment of a member of a community to a first position in the community to generate a first relationship;

automatically providing a manager of the first position with access privileges to records of the member based on the first relationship;

storing an additional assignment of the member to a second position in the community to generate a second relationship; and

during pendency of the additional assignment, automatically providing a manager of the second position with disparate access privileges to records of the member based on the second relationship.

2.   The method of Claim 1, wherein the manager of the second position has limited access privileges to records of the member.

3.   The method of Claim 1, wherein the manager of the first position has access privileges to administrative records of the member denied to the manager of the second position.

4.   The method of Claim 1, wherein the additional assignment comprises a temporary work assignment.

5.   The method of Claim 1, wherein the community comprises a business and the member comprises an employee of the business.

6.   The method of Claim 1, wherein the records comprise personnel records of the member.

7.   A method of providing access privileges to records of members of a community, comprising:

storing a first assignment of a first member of a community to a first manager position in the community;

storing a second assignment of a second member of the community to a second manager position in the community;

storing a third assignment of the first manager position to the second manager position to generate a relationship; and

automatically providing the first member with at least a portion of the access privileges of the second member based on the relationship, the access privileges of the second member comprising access privileges to records of members of the community reporting to the second manager position.

8.   Cancelled.

9.   The method of Claim 7, further comprising automatically providing the first manager position with full access privileges of the second manager position to records of members of the community reporting to the second manager position.

10.   The method of Claim 7, wherein the access privileges provided to the first manager position exclude access privileges of the second manager position to administrative records of members of the community reporting to the second manager position.

11.   The method of Claim 7, wherein the community comprises a business and the first and second members comprise employees of the business.

12.   The method of Claim 7, wherein the records comprise personnel records of the member.

13.   A system for providing access privileges to records of members within a community, comprising:

a memory operable to store:

a plurality of allowed types of assignments of members of a community to positions in the community; and

a record of assignments of members of the community to positions in the community; and

a processor operable to automatically provide a first member and second member with disparate access privileges to records of a third member based on at least two of the recorded assignments in the memory, at least two of the recorded assignments involving different allowed types of assignments.

14.   The system of Claim 13, wherein the allowed assignments include assignments between positions in the community.

15.   The system of Claim 13, wherein a temporary assignment of a member to a position is associated with limited access privileges to records of the member.

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16.   A system for providing access privileges to records of members of a community, comprising:

a memory operable to store:

an assignment of a member of a community to a first position in the community to generate a first relationship; and

an additional assignment of the member to a second position in the community to generate a second relationship; and

a processor operable to:

automatically providing a manager of the first position with access privileges to records of the member based on the first relationship; and

during pendency of the additional assignment, automatically providing a manager of the second position with disparate access privileges to records of the member based on the second relationship.

17.   A system for providing access privileges to records of members of a community, comprising:

at least one computer readable medium; and

software encoded on the at least one computer readable medium and operable when executed by a processor to:

store an assignment of a member of a community to a first position in the community to generate a first relationship;

store an additional assignment of the member to a second position in the community to generate a second relationship; and

automatically provide a manager of the first position with access privileges to records of the member based on the first relationship; and

during pendency of the additional assignment, automatically provide a manager of the second position with disparate access privileges to records of the member based on the second relationship.

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18.   A system for providing access privileges to records of members of a community, comprising:

a memory operable to store:

a first assignment of a first member of a community to a first manager position in the community;

a second assignment of a second member of the community to a second manager position in the community; and

a third assignment of the first manager position to the second manager position to generate a relationship; and

a processor operable to automatically provide the first member with at least a portion of the access privileges of the second member based on the relationship stored in the memory, the access privileges of the second manager comprising access privileges to records of members of the community reporting to the second manager position.

19.   A system for providing access privileges to records of members of a community, comprising:

at least one computer readable medium; and

software encoded on the at least one computer readable medium and operable when executed by a processor to:

store a first assignment of a first member of a community to a first manager position in the community;

store a second assignment of a second member of the community to a second manager position in the community;

store a third assignment of the first manager position to the second manager position to generate a relationship; and

automatically provide the first member with at least a portion of the access privileges of the second member based on the relationship, the access privileges of the second manager comprising access privileges to records of members of the community reporting to the second manager position.

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20.   A method of providing access privileges to records of members of a community, comprising:

storing an assignment of a particular member of a community to a first position in the community to generate a first relationship;

generating a list of at least one authorized function associated with a manager of the first position;

generating a list of at least one authorized object associated with the manager of the first position, the at least one authorized object representing at least one member of the community related to the manager of the first position such that the manager of the first position may access records associated with the at least one member;

providing the manager of the first position with access privileges to records of the particular member based at least partially on the at least one authorized function and the at least one authorized object;

storing an additional assignment of the particular member to a second position in the community to generate a second relationship; and

during pendency of the additional assignment, automatically providing a manager of the second position with disparate access privileges to records of the particular member based on the second relationship.

21.   A method of providing access privileges to records of members of a community, comprising:

storing a first assignment of a first member of a community to a first manager position in the community;

storing a second assignment of a second member of the community to a second manager position in the community;

storing a third assignment of the first manager position to the second manager position to generate a relationship; and

generating a list of at least one authorized function associated with the second member;

generating a list of at least one authorized object associated with the second member, the at least one authorized object representing at least one member of the community related to the second member such that the second member may access records associated with the at least one member; and

providing the first member with at least a portion of the access privileges of the second member based at least partially on the at least one authorized function and the at least one authorized object, the access privileges of the second member comprising access privileges to records of members of the community reporting to the second manager position.

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APPENDIX B

Howell Reference

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APPENDIX C

Abraham Reference

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APPENDIX D

Baldwin Reference

APPENDIX E

Demurjian Reference

APPENDIX F
Barkley Reference

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APPENDIX G

Rabitti Reference

1

APPENDIX H

Deinhart Reference

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APPENDIX I

Workshop Reference